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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/624,191	07/24/2000	Mark Donner	06975-100001	6404
26171 7590 05/02/2007 FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER EL CHANTI, HUSSEIN A	
			ART UNIT 2157	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/624,191

Applicant(s)

DONNER ET AL.

Examiner

Hussein A. El-chanti

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 39-103 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 39-103 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

***Response to Amendment***

1. This action is RCE received on March 19, 2007. Claims 1-38 were canceled. Claims 39-103 were newly added. Claims 39-103 are pending examination.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 39-103 are rejected under 35 U.S.C. 102(e) as being anticipated by Buist, U.S. Patent No. 6,408,282.

As to claims 39, 67, 83, 84 and 92, Buist teaches a method, computer program, system and apparatus for providing users with alert messages, the method comprising:

monitoring receipt of a plurality of alert feeds broadcast from one or more remote servers (see col. 23 lines 41-50, col. 24 lines 36-55 and fig. 31-33, server monitors updates on remote servers);

receiving information indicating that a user has requested to receive an alert message when receipt of a particular alert feed is detected (see col. 23 lines 41-50, col. 24 lines 36-55 and fig. 31-33, user selects the stocks or news to be monitored) ;

detecting receipt of an alert feed from a remote server included in the one or more remote servers, the alert feed being one of the monitored plurality of alert feeds

(see col. 23 lines 41-50, col. 24 lines 36-55 and fig. 31-33, replica server receives an update from the remote server);

determining whether the received alert feed is the particular alert feed (see col. 23 lines 41-50, col. 24 lines 36-55 and fig. 31-33, the updates is compared to the user profile to determine whether or not to transmit the update); and

providing the user with an alert message associated with the received alert feed conditioned on determining that the received alert feed is the particular alert feed (see col. 23 lines 41-50, col. 24 lines 36-55 and fig. 31-33, an alert message is sent to the user to notifying a change in the stock or news).

As to claim 40, Buist teaches the method of claims 39 further comprising:

determining whether the received alert feed is in accordance with alert preferences associated with the user conditioned on determining that the received alert feed is the particular alert feed, wherein

providing the user with the alert message associated with the received alert feed includes providing the user with the alert message associated with the received alert feed conditioned on determining that the received alert feed is in accordance with the alert preferences associated with the user (see col. 23 lines 41-50, col. 24 lines 36-55 and fig. 31-33).

As to claim 41, Buist teaches the method of claim 39 wherein the alert message includes information about a condition that triggered the alert feed (see col. 23 lines 41-50, col. 24 lines 36-55).

As to claim 42, Buist teaches the method of claim 39 wherein the alert message includes information about the alert feed (see col. 23 lines 41-50, col. 24 lines 36-55).

As to claim 43, Buist teaches the method of claim 39 wherein providing the user with an alert message associated with the received alert feed conditioned on detecting that the received alert feed is the particular alert feed includes:

determining whether the user has requested off-line notification of the particular alert feed; and

sending the alert message to an offline device associated with the user (see col. 23 lines 41-50, col. 24 lines 36-55 and fig. 31-33).

As to claim 44, Buist teaches the method of claim 39 wherein the particular alert feed corresponds to the user (see col. 23 lines 41-50, col. 24 lines 36-55).

As to claim 45, Buist teaches the method of claim 44 wherein the particular alert feed includes one of a mail alert or a calendar alert (see col. 23 lines 41-50, col. 24 lines 36-55).

As to claim 46, Buist teaches the method of claim 39 wherein the particular alert feed corresponds to a group of users, the group of users including the user and at least one other user (see col. 23 lines 41-50, col. 24 lines 36-55).

As to claim 47, Buist teaches the method of claim 39 wherein the particular alert feed includes one of a stock alert, a weather alert, or a news alert (see col. 23 lines 41-50, col. 24 lines 36-55).

As to claim 48, Buist teaches the method of claim 39 wherein receiving information indicating that a user has requested to receive an alert message when

receipt of a particular alert feed is detected includes receiving an alert registration, the alert registration being generated based on user input supplied by the user (see fig. 30 3025 and "3040").

As to claim 49, Buist teaches the method of claims 48, 67 wherein the alert registration indicates the at the user desires to enable alert capabilities for one or more of the monitored plurality of alert feeds including the particular alert feed (see col. 23 lines 41-50, col. 24 lines 36-55).

As to claim 50, Buist teaches the method of claim 39 wherein receiving information indicating that the user has requested to receive the alert message when the particular alert feed is detected includes accessing a subscriber record associated with the user (see col. 23 lines 41-50, col. 24 lines 36-55).

As to claims 51, Buist teaches the method of claim 50 wherein the subscriber record indicates one or more of the monitored plurality of alert feeds including the particular alert feed from which the user desires alerts (see fig. 33).

As to claims 52, Buist teaches the method of claim 51 wherein the subscriber record includes alert preferences (see col. 23 lines 41-50, col. 24 lines 36-55).

As to claim 53, Buist teaches the method of claim 52 wherein the alert preferences include conditions for providing the alert message wherein:

providing the user with the alert message is conditioned on the received alert feed meeting the conditions (see col. 23 lines 41-50, col. 24 lines 36-55).

As to claim 54, Buist teaches the method of claim 51 wherein the alert preferences include a presentation method for alerts wherein:

providing the user with the alert message includes providing the user with the alert message in accordance with the presentation method (see col. 23 lines 41-50, col. 24 lines 36-55).

As to claim 55, Buist teaches the method of claim 39 wherein monitoring receipt of the plurality of alert feeds broadcast from one or more remote servers includes continuously searching for the plurality of alert feeds (see col. 23 lines 41-50, col. 24 lines 36-55).

As to claim 56, Buist teaches the method of claim 39 wherein the one or more remote servers are configured to broadcast alert feeds based on a triggering event (see col. 23 lines 41-50, col. 24 lines 36-55).

As to claim 57, Buist teaches the method of claim 39 wherein the one or more remote servers are configured to broadcast alert feeds in response to changes of state (see col. 23 lines 41-50, col. 24 lines 36-55).

As to claim 58, Buist teaches the method of claim 39 wherein the one or more remote servers are configured to broadcast alert feeds upon occurrence of changes of state (see col. 23 lines 41-50, col. 24 lines 36-55).

As to claim 59, Buist teaches the method of claim 39 wherein the received alert feed was broadcast from the remote server in response to a change in state detected at the remote server (see col. 23 lines 41-50, col. 24 lines 36-55).

As to claim 60, Buist teaches the method of claim 39 wherein the change in state includes an updated condition occurring internal to the remote server (see col. 23 lines 41-50).

As to claim 61, Buist teaches the method of claim 39 wherein the change in state includes a change to monitored content stored at the remote server (see col. 23 lines 41-50).

As to claim 62, Buist teaches the method of claim 39 wherein the change in state includes a change to content made available by the remote server (see col. 24 lines 36-55).

As to claim 63, Buist teaches the method of claim 39 wherein the change in state includes an updated condition occurring external to the remote server (see col. 24 lines 36-55).

As to claim 64, Buist teaches the method of claim 39 wherein monitoring receipt of the plurality of alert feed broadcast from one or more remote servers includes monitoring receipt of the plurality of alert feeds broadcast from a plurality of servers, the plurality of remote servers including at least two servers that are different from each other and configured to broadcast alert feeds of different types (see col. 23 lines 41-50, col. 24 lines 36-55).

As to claim 65, Buist teaches the method of claim 64 wherein monitoring receipt of the plurality of alert feeds broadcast from the plurality of remote servers includes monitoring receipt of a mail alert feed from a mail server and monitoring receipt of a stock alert feed from a stock server (see col. 23 lines 41-50).

As to claim 66, Buist teaches the method of claim 64 wherein monitoring receipt of the plurality of alert feeds broadcast from the plurality of remote servers includes



monitoring receipt of a news alert feed from a news server and monitoring receipt of a stock alert feed from a stock server (see col. 23 lines 41-50, col. 24 lines 36-55).

As to claims 68-82, 85-91 and 93-103 have similar limitations as claims 39-67, 83-84 and 92 and therefore are rejected for similar reasons.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein A. El-chanti whose telephone number is (571)272-3999. The examiner can normally be reached on Mon-Fri 8:30-5:00.

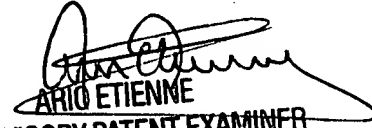
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hussein Elchanti

April 17, 2007

  
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